

REMARKS

The following is a quotation of the Examiner's rejection in the action dated October 31, 2001:

5. Claims 48-54, 56-65, 67-71, 73-89, 97-99 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Specifically, the claims do not produce any concrete, tangible or useful result, they merely receive, store and send data without explicit presentation or transformation of the data.

Applicant disagrees. The system of claim 48 does produce concrete, tangible, and useful results. One useful result that it produces is the distribution of stored value information in response to a trigger. Likewise, the system of claim 67 produces concrete, tangible, and useful results. One useful result that this system produces is the sending of value information to users in response to actions of the users.

Applicant notes that MPEP 2106 states: "a machine is statutory when the machine, as claimed, produces a concrete, tangible and useful result (as in *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601) and/or when a specific machine is being claimed (as in *Alappat*, 33 F.3d at 1544, 31 USPQ2d at 1557 (in banc))." (at page 2100-18 of the August 2001 Edition)

MPEP 2106 also provides a specific example of a statutory process: "A computerized method of optimally controlling transfer, storage and retrieval of data between cache and hard disk storage devices such that the most frequently used data is readily available." (at page 2100-18 of the August 2001 Edition) The useful result in this example is making data available. The systems of claims 48 and 67 have a similar utility.

Information Disclosure. Applicant's wishes to confirm that all references cited by the applicant have been taken under consideration by the Examiner. In particular, applicant has not received or is missing an initialed copy of the PTO-1449 forms in Papers 1 and 5. Please provide us with an initial copy or otherwise indicate consideration of those cited references.

Applicant : Daniel H. Abelow
Serial No. : 09/369,391
Filed : August 6, 1999
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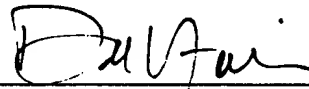
Attorney's Docket No.: 03058-004002

Attached is a marked-up version of the changes being made by the current amendment. No new matter has been added. Applicant asks that all claims be allowed. Enclosed is a \$72 check for excess claim fees. Please apply any other charges to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

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Version with Marked Changes

Claim 62, 98 and 99 has been amended as follows:

62. (three times amended) The system of claim [61] 48 in which the software is further configured to prompt the user for an assessment of the value of the products, services, software, or information used.

98. (amended) The [method] system of claim 48 in which the trigger is a preset periodic trigger.

99. (amended) The [method] system of claim 48 in which the trigger is activated by a client system threshold